

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

**FILED**

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

JUN 19 2017

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGEL DELEON, et al.,

Defendants.

MATTHEW J. DYKMAN  
CLERK

No. CR 15-4268 JB

**ORDER GRANTING MOTION TO CONTINUE THE TRIAL SETTING, AND  
RELATED SCHEDULING ORDER AS TO DEFENDANTS CHARGED IN COUNTS  
6-12 OF THE SECOND SUPERSEDING INDICTMENT**

THIS MATTER having come before the Court following the recent motions hearing, on Tuesday, May 9, 2017. During that hearing, representatives from defense teams for defendants Mario Rodriguez, Mauricio Varela, Daniel Sanchez, Conrad Villegas, Anthony Baca, Christopher Garcia, Carlos Herrera, and Rudy Perez (those charged in Counts 6-12 of the Superseding Indictment) and the Government met and conferred regarding trial schedules and upcoming filing deadlines. The Court now being fully advised of the circumstances finds that pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii), the defense requires the time from July 10, 2017 to January 29, 2018, to review discovery with their respective clients and to continue the defense investigation.


**IT IS THEREFORE ORDERED THAT:**

1. The Motion to Continue the July 10, 2017 Trial Setting and Related Scheduling Order is granted.
2. The first trial ("Trial I") is rescheduled for January 29, 2018 at 9:00 on a trailing docket. The first trial grouping will include eight defendants: Mario Rodriguez, Mauricio Varela, Daniel Sanchez, Conrad Villegas, Anthony Baca, Christopher Garcia, Carlos Herrera, and Rudy Perez.

3. After weighing the best interests of the public and the Defendants with the ends of justice, the Court finds that granting a continuance will strike a proper balance between the ends of justice and the best interests of the public and of the Defendants for the reasons stated during the hearing on May 9, 2017 and in the motion requesting a continuance filed April 18, 2017 (Doc. 1101). Specifically, the defendants need additional time to continue to review discovery with their respective clients, and to continue their respective defense investigations. Counsel must also summarize and transcribe audio recordings, locate witnesses, hire expert witnesses, and file pretrial motions. Counsel must also ascertain if any competency or mental health issues exist for their respective clients, conduct plea negotiations, and obtain records necessary for each client's defense. Many counsel are also in the process of compiling discovery demands and motions to compel discovery to the government while reviewing the discovery, which outweighs the Defendants and the public's interest in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(B).

4. The Court will set a trial of January 29, 2018 for the Counts 6-12 defendants. This continuance is sufficient, without being greater than necessary, for the Defendants to complete the tasks set forth in the motion to continue.

5. The time between the July 7, 2017 trial setting and January 29, 2018, is excluded for purposes of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(B).

  
UNITED STATES DISTRICT JUDGE

After weighing the best interests of the public and of the Defendants with the ends of justice, the Court finds that granting a continuance will strike a proper balance between the ends of justice and the best interests of the public and of the Defendants' for the reasons stated at the hearing held on May 9, 2017 and the written motion justifying the request for a continuance, filed April 18, 2017 (Doc. 1101). Specifically, the Defendants' need to obtain and review discovery, summarize and transcribe audio recordings, locate witnesses, hire expert witnesses, file pretrial motions, determine if any competency or mental health issues exists, conduct plea negotiations and obtain records necessary for their defense outweighs the Defendants' and the public's interest in a speedy trial. *See* 18 U.S.C. § 3161(h)(7). The Court will set the trial for January 29, 2018. This 208-day continuance is sufficient, without being greater than necessary, for the Defendants to complete the tasks set forth in the motion to continue.